

Application No. 10/751,157
Attorney Docket No. 120485 (GECZ 2 00605)
Response to Office Action dated April 4, 2006

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Final Office Action of April 4, 2006.

In this response, Applicants amended selected claims to provide a more complete scope of protection for the invention and present clarifying remarks believed to remedy the Examiner's rejections and place the claims in condition for allowance.

I. Claim Rejections

Claims 1, 3-5, 9-12, 14 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2004/0105264 to Spero.

Claims 2, 6-8, 13 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Spero in view of U.S. Patent Application No. 2005/0128751 to Roberge.

With respect to claim 1, as amended, Applicants respectfully submit that the subject matter differs from the art taught in Spero.

Claim 1 call for a lighting assembly comprising a housing defining a hollow chamber having an open top. A removable circuit housing covers the open top of the housing. An organic light emitting diode (OLED) light source is mounted in the housing. A power source is provided for the OLED. A light transmissive portion of the housing allows light from the OLED light source to pass therethrough.

No removable circuit housing covering the open top of the housing is shown in Spero. Conversely, with reference to Figure 2B, Spero discloses a retrofit multiple solid-state light source (MSLS) or digital lighting fixture (DLF)/luminaire (16) in the form of a typical "A" shaped light bulb. The DLF includes a screw base (17) attached to a lighting fixture body (24). The screw base receives line power (18) into an electronic power conditioning circuitry (19) mounted in the fixture body. A control circuitry (20) is also provided in the lamp (16). Solid-state light sources (23) containing one or more junctions are mounted on the fixture body and connected to the controlled power circuitry.

Therefore, Spero fails to teach, show or even suggest a removable circuit housing which covers an open top of a light assembly housing. In fact, by mounting the circuitry (19) in the fixture body (24) and attaching the screw base (17) to the fixture body above the circuitry, Spero teaches away from the present invention.

Application No. 10/751,157
Attorney Docket No. 120485 (GECZ 2 00605)
Response to Office Action dated April 4, 2006

The Examiner's interpretation of Spero is not a fair interpretation. The amendment to claim 1 was not necessary to define over Spero; rather, the amendment provides a more direct correlation between the specification description and the claimed subject matter. Accordingly, claim 1, as amended, and claims 2-11 dependent or ultimately dependent therefrom define over Spero, whether it is considered on its own under §§ 102 or 103, or in combination with any of the remaining art of record.

Regarding claim 2, Applicants respectfully submit that Figure 3B of Spero fails to disclose a diffuser interposed between the OLED light source and the light transmissive portion for diffusing the light received from the OLED. Conversely, Figure 3B of Spero shows a diffuser (37) comprising alternating diffusing sections (38) and clear, fully transmissive slots (39) (page 14, ¶ 0121). The light emanating from the LEDs (31) passes through the clear slots while the diffuser is illuminated by stray light emanating beyond the LEDs. Thus, the diffuser (37) is not located between the LEDs (31) and the light transmissive slots (39).

Regarding claim 5, Applicants respectfully submit that Spero fails to disclose a separate reflector received in the housing for directing light from the OLED light source toward the light transmissive portion of the housing. Spero discloses that it is well known that not all of the light produced by a conventional LED escapes through an end face because a portion of the light is totally internally reflected at the interface between the diode and surrounding air. Thus, Spero teaches that it would be advantageous to build a multitude of very small diodes with relatively large surface areas relative to volume which will lessen the amount of light internally reflected. (page 16, ¶ 0139). The light-emitting diodes can have a structure in which a light emitting area; a transparent layer which is pervious to light radiated from the light emitting area; and an opaque layer which is impervious to the radiated light are arranged such that the refractive index of the total reflection layer is smaller than that of the transparent layer (page 16, ¶ 0141). No separate reflector is shown in Spero.

Moreover, Spero continuously states that no reflector is incorporated in its retrofit MSLS lamp or DLF designs. For example, in ¶ 0074, Spero states that the light emitting sources of the DLF generate light with optimum intensity and spectral distribution "without recourse to separate (exterior to the DLF) reflectors to redirect the light." In ¶ 0083, Spero

Application No. 10/751,157
Attorney Docket No. 120485 (GECZ 2 00605)
Response to Office Action dated April 4, 2006

states that the "MSLS needs no reflector to redistribute the light." In ¶ 0097, Spero states that the "DLF replaces the lighting fixture, ballast, socket, lamp, dimmers, reflector, gaskets and fasteners with a sealed for life electronic assembly." Finally, in ¶ 0111, Spero again states that its luminaire is "intended to replace the lamp, fixture, reflector or shade and control-gear combination of a typical lighting fixture."

Claim 12, calls for an outdoor landscape lighting assembly comprising a housing defining a hollow chamber having an open top. A removable circuit housing is disposed over the open top of the housing. An OLED light source is mounted on the circuit housing and sealed from the external environment. A low power source for the OLED includes a photovoltaic panel for selectively charging a rechargeable battery. A light transmissive portion of the housing allows light from the OLED light source to pass therethrough.

As stated above, Spero fails to teach, show or suggest a removable circuit housing disposed over an open top of a light assembly housing. Spero also fails to disclose a light source mounted on the removable circuit housing. Conversely, with reference to Figure 4, Spero teaches that the printed circuit boards for the light sources (50) are housed within the sealed housing (51) of the step light (66). Accordingly, claim 12 and claims 13-18 dependent or ultimately dependent therefrom define over Spero, whether it is considered on its own under §§ 102 or 103, or in combination with any of the remaining art of record.

Applicants respectfully submit that the present amendment removes issue for appeal, or in some other way, requires only a cursory review by the Examiner. In particular, the amendment to claim 1 incorporates the same "removable" limitation of previously presented claim 12. Thus, the claims do not raise any issues with regard to new matter, do not present new issues requiring further search or consideration and/or place the application into better form for appeal. Accordingly, the amendment should be entered and the application forwarded for issuance.

CONCLUSION

All formal and informal matters have been addressed. For the reasons detailed above, it is respectfully submitted claims 1-18 are in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

Application No. 10/751,157
Attorney Docket No. 120485 (GECZ 2 00605)
Response to Office Action dated April 4, 2006

No additional fee is believed to be required for this Amendment. If, however, a fee is due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, he is invited to call the undersigned.

Respectfully submitted,

**FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP**

Date: 05 June, 2006

Timothy E. Nauman
Timothy E. Nauman
Reg. No. 32,283
1100 Superior Avenue - 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582 (phone)
(216) 241-1666 (facsimile)

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being <input type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.	
<input checked="" type="checkbox"/> transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.	
Express Mail Label No.:	Signature: <u>Timothy E. Nauman</u>
Date: <u>05 June 2006</u>	Name: <u>Nancy M. Grooms</u> <u>TIMOTHY E. NAUMAN</u>

N:\GECZ\1200605\res\0000300V001.doc